

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Ray Edward Wells,)	C/A NO. 8:10-1490-CMC-BHH
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Spartanburg County Detention Facility)	
Employees; Warden, Larry W. Powers;)	
Medical Staff; Cpl. T. Brown; and Nurse)	
Susan Blackwell,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On September 22, 2010, the Magistrate Judge issued a Report recommending that Plaintiff's motions for Damages (Dkt. # 16, filed July 13, 2010), for Preliminary Injunction and Temporary Restraining Order (Dkt. # 22, filed July 23, 2010) and for Default Judgment (Dkt. # 55, filed Sept. 21, 2010) be denied. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on September 30, 2010.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court.

See Mathews v. Weber, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to objections made, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the Report and its conclusions. Therefore, the court adopts and incorporates the Report by reference in this order.

Plaintiff's Motions for Damages (Dkt. # 16), for Preliminary Injunction and Temporary Restraining Order (Dkt. # 22), and for Default Judgment (Dkt. # 55) are **denied**.

This matter is returned to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 25, 2010

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